

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DOUGLAS PONTIUS,)	
)	Civil Action No. 04 - 1737
Plaintiff,)	
)	Judge Gary L. Lancaster /
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
DELTA FINANCIAL CORP.,)	
d/b/a FIDELITY MORTGAGE, INC.,)	
)	
Defendant.)	

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on November 15, 2004, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation (Doc. No. 23), filed on June 21, 2005, recommended that Plaintiff's Motion for Conditional Class Certification (Doc. No. 17-1) be granted, that Plaintiff's Motion to Authorize Judicial Notice (Doc. 17-2) be granted and that Plaintiff's Motion to Compel be granted in part and denied in part. The parties were informed that in accordance with Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. The Defendant filed Objections (Doc. No. 24) on July 1, 2005 and plaintiff filed a response (Doc. No. 25) on July 19, 2005. After review of the pleadings and the documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

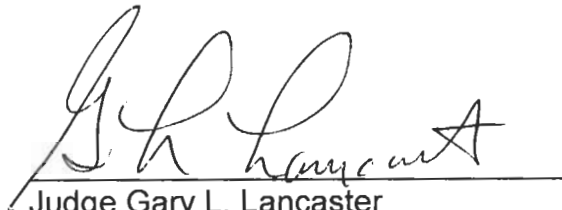
AND NOW, this 20th day of July, 2005;

IT IS HEREBY ORDERED that Plaintiff's Motion for Conditional Class Certification (Doc. No. 17-1) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's Motion to Authorize Judicial Notice is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's Motion to Compel is **GRANTED** in part and **DENIED** in part as more fully stated in the Report and Recommendation of the magistrate judge.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 23) of Magistrate Judge Lenihan, dated June 21, 2005, is adopted as the opinion of the court.



Judge Gary L. Lancaster
United States District Judge

cc: Lisa Pupo Lenihan
U.S. Magistrate Judge

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